

been substituted in part for the said article. Adulteration was alleged for the further reason that the article contained less than 80 percent of butter fat.

Misbranding was alleged for the reason that the article had been sold, shipped, and labeled as butter, which was false and misleading, since it contained less than 80 percent of milk fat.

On July 11, 1932, Gallagher Bros., Chicago, Ill., claimant, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant for reworking under the supervision of this Department, upon payment of costs and the execution of a bond in the sum of \$1,000, conditioned in part that it should not be sold or disposed of contrary to the Federal Food and Drugs Act and all other laws.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20062. Adulteration of butter. U.S. v. Ainsworth Farmers Cooperative Creamery Co. Plea of nolo contendere. Fine, \$5. (F. & D. No. I.S. Nos. 44960, 44972.)

This action was based on the interstate shipment of a quantity of butter, samples of which were found to contain less than 80 percent by weight of milk fat, the standard for butter prescribed by Congress.

On August 6, 1932, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the Ainsworth Farmers Cooperative Creamery Co., a corporation, Ainsworth, Nebr., alleging shipment by said company in violation of the Food and Drugs Act, on or about October 7, 1931, from the State of Nebraska into the State of Iowa, of a quantity of butter that was adulterated.

It was alleged in the information that the article was adulterated in that a product containing less than 80 percent by weight of milk fat had been substituted for butter, a product which must contain not less than 80 percent by weight of milk fat as defined by the act of March 4, 1923.

On September 19, 1932, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$5.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

20063. Misbranding of cottonseed screenings. U.S. v. East St. Louis Cotton Oil Co. (Forrest City Cotton Oil Mill). Plea of nolo contendere. Fine, \$25. (F. & D. No. 28098. I.S. No. 23801.)

This action was based on the interstate shipment of a quantity of cottonseed screenings, samples of which were found to contain less protein than the minimum declared on the label.

On July 9, 1932, the United States attorney for the Eastern District of Arkansas, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against the East St. Louis Cotton Oil Co., a corporation organized under the laws of the State of Illinois and trading as the Forrest City Cotton Oil Mill at Forrest City, Ark., alleging shipment by said company in violation of the Food and Drugs Act, on or about February 5, 1931, from the State of Arkansas into the State of Kansas, of a quantity of cottonseed screenings that were misbranded. The article was labeled in part: "Kansas Prime 43% Protein Cottonseed Cake or Meal Guaranteed Analysis Protein, not less than 43% * * * Manufactured by or for Chickasha Cotton Oil Company, Chickasha, Okla."

It was alleged in the information that the article was misbranded in that the statements, "43% Protein Cottonseed Cake or Meal" and "Guaranteed Analysis Protein, not less than 43%", borne on the tags attached to the sacks containing the article, were false and misleading, and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since it contained less than 43 percent of protein.

On August 31, 1932, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

R. G. TUGWELL, *Acting Secretary of Agriculture.*